

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID J. YOUNG, )  
 ) Case No.  
Plaintiff, ) 8:07-CV-00265  
 )  
v. )  
 )  
STUART J. DORNAN, )  
individually and in his )  
official capacity; DOUGLAS )  
COUNTY, NEBRASKA, a )  
political subdivision of the )  
State of Nebraska, et al., ) TAKEN IN BEHALF  
 ) OF PLAINTIFF  
Defendants. )

DEPOSITION OF JENNA R. JOHNSON, taken  
at 8:55 a.m. on May 14, 2009, by Alvin J.  
Thibault, RPR, CSR and General Notary Public in  
and for the State of Nebraska, taken at Erickson  
Sederstrom, 10330 Regency Parkway Drive, Suite  
100, Omaha, Nebraska.

COPY

1 APPEARANCES:

2 MR. THOMAS J. YOUNG For Plaintiff  
3 Attorney at Law  
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4 Omaha, Nebraska 68144-2528

5 MR. ALAN M. THELEN For Defendant  
Assistant City Attorney City of Omaha  
6 804 Omaha/Douglas Civic Center  
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7 Omaha, Nebraska 68183-0001

8 MR. DOUGLAS L. PHILLIPS For Defendant  
Attorney at Law Jenna Johnson  
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11 Sioux City, Iowa 51102-0327

12 MS. KRISTIN M. LYNCH For Defendant  
MR. TIM DOLAN Douglas County  
13 DEPUTY DOUGLAS COUNTY ATTORNEYS  
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14 #LC2  
Omaha, Nebraska 68183

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1	<u>E X H I B I T I N D E X</u>		
2	<u>Ex.</u>	<u>Pg.</u>	<u>Ref.</u>
3	<u>No.</u>	<u>No.</u>	<u>Description</u>
4	1	11	Incident Report Prepared By Andrew Perrone
5	2	13	Incident Report No. 2005-R00304
6	3	14	Memo of an Interview of Katie Ryan with Desiree Shipman and Annette Schmeling
7			
8	4	16	Memo of an Interview of Samantha Peterson with Desiree Shipman and Annette Schmeling
9			
10	5	21	Report of Officer Angie Circo, RB Number F-20413 AA
11			
12	6	26	One-Party Consent Call
13	7	29	Videotaped Interview of Jenna Johnson
14			
15	8	30	Transcription of Jenna Johnson's Deposition taken by Mr. Davis
16	9	36	Portion of the Trial Transcript of Jenna Johnson's Testimony
17			
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JENNA JOHNSON - DIRECT (Young)

4

1 MR. YOUNG: Standard stipulations?

2 MR. THELEN: Reserving objections to  
3 the time of trial, except form and foundation?

4 MR. YOUNG: Yes.

5 MR. PHILLIPS: Agreed.

6 MR. YOUNG: Is that okay with the  
7 County, the standard stipulations?

8 MS. LYNCH: Sure.

9 JENNA R. JOHNSON

10 Of lawful age, being first  
11 duly cautioned and solemnly  
12 sworn as hereinafter certified,  
was examined and testified as  
follows:

13 DIRECT EXAMINATION

14 BY MR. YOUNG:

15 Q. Ready?

16 A. Yes.

17 Q. Would you please state your name for  
18 the record?

19 A. Jenna Johnson.

20 Q. Middle initial?

21 A. R.

22 Q. And how old are you?

23 A. Twenty-four.

24 Q. And where do you currently reside?

25 A. Washington, D.C.

JENNA JOHNSON - DIRECT (Young)

5

1 Q. Is there an address back in  
2 Washington?

3 A. There is. Would you like me to -- do  
4 I need to give that?

5 MR. PHILLIPS: Why do you need it?  
6 I can contact her for you any time you need to  
7 find something out. If it's not listed, I don't  
8 think she needs to tell you.

9 MR. YOUNG: If it's not listed?

10 MR. PHILLIPS: Is it? Can I look in  
11 the Washington, D.C. phone book and find your  
12 address?

13 THE WITNESS: I believe it's  
14 unlisted. That's one thing I just would rather  
15 not give out.

16 Q. All right. We can go past that one.  
17 Why don't you give me your educational  
18 background.

19 A. I graduated from the University of  
20 Nebraska in Lincoln in 2007 with a bachelor's in  
21 news editorial.

22 Q. And you understand you're here on a  
23 lawsuit where the plaintiff is David Young --

24 A. Yes.

25 Q. -- and there are numerous defendants?

JENNA JOHNSON - DIRECT (Young)

6

1 A. Yes.

2 Q. Are you familiar at all with the  
3 Complaint that was filed?

4 A. Yes.

5 Q. You've had your deposition taken  
6 before?

7 A. Yes.

8 Q. And you've testified at trial?

9 A. Yes.

10 Q. So I -- I'll with -- withhold going  
11 through the normal, tell you how to answer, et  
12 cetera. If you have any questions, stop me and  
13 ask me. Okay?

14 A. Okay.

15 Q. All right. Did you do anything to  
16 prepare for this deposition?

17 A. Yes.

18 Q. What was that?

19 A. I read through the police report and  
20 my deposition and my trial testimony and I met  
21 with my attorney.

22 Q. Are you employed now?

23 A. Yes.

24 Q. Who do you work for?

25 A. The Washington Post.

JENNA JOHNSON - DIRECT (Young)

7

1 Q. And what -- what's the nature of your  
2 job?

3 A. I'm a full-time reporter there.

4 Q. How long have you held that job?

5 A. Two years.

6 Q. Are you single still?

7 A. Yes.

8 Q. Engaged?

9 A. No.

10 Q. Do you live by yourself?

11 A. Yes.

12 Q. Do you understand that the Complaint  
13 that was filed in this matter has several causes  
14 of action?

15 A. Yes.

16 Q. There's one pursuant to the federal  
17 statute, it's normally referred to as a Section  
18 1983 claim.

19 A. Yes.

20 Q. And there are state law claims for  
21 false imprisonment, malicious prosecution and  
22 abuse of process.

23 A. Right.

24 Q. You understand that. Okay. The  
25 prior criminal trial in this matter arises out of

JENNA JOHNSON - DIRECT (Young)

8

1 an incident that occurred on June 5 of 2005, is  
2 that correct --

3 A. Yes.

4 Q. -- that involved your interaction  
5 with the plaintiff, David Young?

6 A. Yes.

7 Q. And the prior criminal trial was one  
8 for first degree sexual assault?

9 A. Correct.

10 Q. And primarily the matters that are,  
11 perhaps, the most pertinent here were the morning  
12 hours of June 5th of '05 --

13 A. Right.

14 Q. -- specifically about three o'clock  
15 until six o'clock in the morning?

16 A. Correct.

17 Q. Taking a step back with regard to the  
18 sexual assault charge, when did you become aware  
19 or learn for a first degree sexual assault charge  
20 that there would have to be a claim of  
21 penetration?

22 A. I have no idea. I don't think that  
23 was until later on.

24 Q. I'm trying to get a heads up on how  
25 much later on. Do you have any idea?



JENNA JOHNSON - DIRECT (Young)

9

1 A. I have no idea.

2 Q. The events of that morning are pretty  
3 well chronicled in the -- at least your testimony  
4 would be pretty much chronicled in the -- your  
5 deposition testimony and your trial testimony,  
6 would it not?

7 A. Oh, yes.

8 Q. And you've reviewed both of those?

9 A. Yes.

10 Q. And is there anything in either one  
11 of those that you recall that you take issue with  
12 now or you disagree with as far as your  
13 testimony?

14 A. Not -- not that I know of.

15 Q. In the report that I've read,  
16 somewhere around six o'clock in the morning your  
17 friend, Katie Ryan, made a call to campus  
18 security with regard to David Young's car being  
19 in the parking lot?

20 A. Yes.

21 Q. And that was subsequent to a  
22 conversation with you, correct?

23 A. Yes.

24 Q. And at that point in time there was  
25 no mention of any type of assault or sexual

JENNA JOHNSON - DIRECT (Young)

10

1 assault, is that your understanding?

2 A. Not at that time, no.

3 Q. So that's correct?

4 A. What do you mean, in the phone call  
5 conversation or in our conversation?

6 Q. In the phone call conversation that  
7 Katie Ryan had with campus security, was there  
8 any claim of any type of assault or sexual  
9 assault?

10 A. No.

11 Q. And, as I understand it, you and  
12 Katie Ryan met with a Mr. Perrone and a security  
13 officer, Mr. Martins, at approximately 12:50 in  
14 the afternoon of that day?

15 A. Yes.

16 Q. And was there any mention of the  
17 sexual assault at that time with -- by either --  
18 by you with regard to Mr. Perrone or Officer  
19 Martins?

20 A. Yes.

21 Q. Okay. And was there any claim of any  
22 type of penetration?

23 A. I told them that he touched me, but I  
24 didn't say how or where.

25 Q. In fact, you made no claim of

JENNA JOHNSON - DIRECT (Young)

11

1 penetration, correct?

2 A. Well, no. But they didn't ask  
3 or -- I don't know.

4 Q. You made no claim?

5 A. Well, I said -- I said that he  
6 touched me. I -- you know, interpret that as you  
7 will.

8 Q. My specific question is: Did you  
9 make a claim of penetration?

10 A. No.

11 Q. All right.

12 (Deposition Exhibit Number 1 was  
13 marked for identification.)

14 Q. I'll hand you what the court reporter  
15 has marked as Deposition Exhibit 1. That's the  
16 incident -- that's the incident report prepared  
17 by Andrew Perrone based upon his interview with  
18 you and, I believe, Katie Ryan. Have you seen  
19 that report before?

20 A. No.

21 Q. Why don't you take a second to review  
22 it.

23 MR. PHILLIPS: Take as long as you  
24 need.

25 MR. YOUNG: I didn't mean to

1 restrict her otherwise, Counsel.

2 A. Okay.

3 Q. I'll direct your attention to the  
4 second page, first full sentence, and the  
5 second -- and the next sentence after that.

6 Jenna reports that, comma, while she did not  
7 believe that David attempted to force intercourse  
8 with her, she did feel extremely uncomfortable  
9 with David being so close to her with his pants  
10 off and having him remove her pants. She does  
11 not believe that he ever penetrated her or ever  
12 successfully forced intercourse.

13 Do you see that in the report?

14 A. Yes.

15 Q. Is that what you told Mr. Perrone and  
16 Officer Martins?

17 A. I -- I told them what woke me up was  
18 him touching me, but yes.

19 Q. You specifically said no penetration?

20 A. Yes.

21 Q. Can --

22 (Deposition Exhibit Number 2 was  
23 marked for identification.)

24 Q. I'll hand you what the court reporter  
25 has marked as Deposition Exhibit No. 2. I would

1 ask you to look at it and tell me whether or not  
2 you've seen it before?

3 A. No.

4 Q. Would you take a moment to review it,  
5 please?

6 A. Okay.

7 Q. Once again, there's no indication of  
8 any claim of penetration; is that correct?

9 A. Yes.

10 Q. And, in fact, did you tell Officer  
11 Perrone -- I mean Officer Martins that you did  
12 feel that you had been in control of the  
13 situation?

14 A. Yes.

15 Q. And, in fact, the only claim  
16 basically made in this report by you to Officer  
17 Martins is that Young had removed his pants and  
18 pulled down her pants. Do you see that on the  
19 second page at the bottom of the first paragraph?

20 A. That's what it reads, yes.

21 Q. In fact, is that the information that  
22 you gave Officer Martins?

23 A. Yes.

24 Q. Now, as I understand it, you and  
25 David Young were alone in a bedroom, correct?

1 A. Yes.

2 Q. And Katie Ryan was not there at the  
3 time of the incident?

4 A. Correct.

5 Q. Would I be correct in understanding  
6 that the only information Katie Ryan would have  
7 is information that you provided to her?

8 A. Yes.

9 (Deposition Exhibit Number 3 was  
10 marked for identification.)

11 Q. I'll hand you what's been marked as  
12 Deposition Exhibit No. 3 and ask if you've ever  
13 seen that before?

14 A. No.

15 Q. Would you take a moment to review it,  
16 please?

17 A. Okay.

18 Q. In this memo of an interview  
19 apparently with Desiree Shipman and Annette  
20 Schmeling -- I think it's Sister Annette  
21 Schmeling -- Katie Ryan does not indicate any  
22 type of penetration?

23 A. No, it doesn't appear so.

24 Q. And, once again, the only information  
25 that Katie Ryan had was information which you

1 provided to her, correct?

2 A. Yes.

3 Q. And on the second page it indicates  
4 that you and Katie and Samantha -- Samantha  
5 Peterson, the other resident of that apartment,  
6 were laughing about the ridiculous things David  
7 was saying to seduce her -- you?

8 A. Yes.

9 Q. Do you see that?

10 A. I see it.

11 Q. And then you and Katie apparently  
12 went to Village Inn for breakfast around ten  
13 o'clock?

14 A. Yes.

15 Q. So there was laughter in your  
16 conversation with Samantha and Katie with regard  
17 to David's actions?

18 A. Yes.

19 Q. And the other individual who resided  
20 at the apartment was Samantha Peterson, correct?

21 A. Correct.

22 Q. And, once again, she wasn't in the  
23 bedroom that you and David Young were in?

24 A. No.

25 Q. So the only thing she would know is

1 what you would tell her, correct?

2 A. Correct.

3 (Deposition Exhibit Number 4 was  
4 marked for identification.)

5 Q. I'll hand you what's been marked as  
6 Deposition Exhibit No. 4 by the court reporter  
7 and ask you to review it and tell me if you've  
8 seen that report before?

9 A. No.

10 Q. Okay. Would you take a moment to  
11 review it, please?

12 A. Okay.

13 Q. The only basic information provided  
14 by a Samantha Peterson to Creighton regarding  
15 David Young's conduct was that he was apparently  
16 attempting to take your clothes off and saying  
17 disgusting things to you?

18 A. Yes.

19 Q. No mention of any penetration in that  
20 report, either, is there?

21 A. No.

22 Q. I believe that report indicates that  
23 that was as of 4:45 in the afternoon on -- well,  
24 that was June 6th. So that was not Sunday, the  
25 day of the incident, actually, was it?



JENNA JOHNSON - DIRECT (Young)

17

1 A. No.

2 Q. All right. So my understanding is  
3 that you did go home that day, on Sunday, the  
4 5th, correct?

5 A. Yes.

6 Q. And you apparently had a conversation  
7 with your mother regarding this incident?

8 A. Yes.

9 Q. And did that provoke a phone call to  
10 the police department?

11 A. Not that conversation, no.

12 Q. Am I correct in understanding it  
13 wasn't until you had a conversation with your  
14 father, apparently by telephone that evening,  
15 that you made a decision to -- I believe it was  
16 to call the telephone -- I think it's reporting  
17 line or something like that?

18 A. Yes.

19 Q. And at that point in time -- was that  
20 on June 5th or June 6th when you talked to your  
21 dad?

22 A. It was on Sunday.

23 Q. That would be the 5th?

24 A. The 5th, yes.

25 Q. In the evening?

JENNA JOHNSON - DIRECT (Young)

18

1 A. Yes.

2 Q. And when did you make that phone call  
3 to the PRU line or whatever it's called?

4 A. Immediately after talking to my dad.

5 Q. And that must have been in the  
6 evening, then?

7 A. Yes.

8 Q. Do you know approximately what time  
9 it was?

10 A. I have no idea.

11 Q. And that is the first time that we --  
12 that you mention to anyone, at least as far as  
13 the reports that we have go, of any type of an --  
14 I believe you reported an attempted rape?

15 A. I don't remember what I said on that  
16 report of mine.

17 Q. And to the -- apparently you were  
18 transferred then to 911?

19 A. Correct.

20 Q. And is it the next day, then, the  
21 6th, that officers come and interview you at your  
22 home?

23 A. Yes.

24 Q. So the first indication we have of  
25 anything dealing with a rape charge is the

JENNA JOHNSON - DIRECT (Young)

19

1 evening of June 5th?

2 MR. PHILLIPS: Objection, form.

3 A. I'm sorry, what's the question?

4 Q. The first indication of anything  
5 dealing with a rape charge or allegation is the  
6 evening of June 5th after you talked to your  
7 father?

8 MS. LYNCH: I would object to the  
9 form of the question as far as semantics, with  
10 some of the words that are being used as far as  
11 rape.

12 Q. Go ahead and answer.

13 A. I can't press charges. I reported  
14 what happened. The first time I talked to an  
15 official who knew the correct questions to ask me  
16 to lead to what was later defined as a first  
17 degree sexual assault was on Monday.

18 Q. When is the first time you mentioned  
19 rape to any official or any third party?

20 A. I don't remember.

21 MS. LYNCH: Again, I would object to  
22 the form of the question, if she knows what the  
23 definition of rape or what we're talking about  
24 when we say rape here.

25 Q. I'm asking you when the first time

1 that you used the word "rape"?

2 A. I don't remember.

3 Q. Well, it certainly wasn't in the  
4 conversation with Katie Ryan and Samantha  
5 Peterson earlier on the day of June 5th, was it?

6 MS. LYNCH: Again, I would just have  
7 to make an objection, argumentative. I believe  
8 that she's testified as to what she said.  
9 Whether or not that is defined as rape or --  
10 she's already testified as to what she told  
11 people at the time.

12 MR. YOUNG: Counsel, I'm simply  
13 asking when she used -- the first time she used  
14 the word "rape."

15 MR. PHILLIPS: And she just told you  
16 she does not recall when she first used the word  
17 "rape."

18 Q. You don't recall if you used it  
19 before the evening of January -- of June 5th or  
20 you do recall that?

21 A. I -- I don't remember how I ever -- I  
22 don't remember.

23 (Deposition Exhibit Number 5 was  
24 marked for identification.)

25 Q. I'll hand you what's been marked as

1 Deposition Exhibit No. 5. Have you ever -- I'll  
2 ask you to review it and I'll ask if you've ever  
3 seen that document before?

4 A. Yes.

5 Q. Is this one of the documents you  
6 reviewed in preparation for your deposition?

7 A. Yes.

8 Q. I'll -- I'll refer you to page 3 of  
9 8, and slightly past halfway down on the first  
10 paragraph, the sentence that starts: Johnson  
11 woke up to find her pants and underwear being  
12 pulled down. Do you see that sentence?

13 A. That's not the way the sentence reads  
14 in my version.

15 Q. Okay.

16 A. Johnson woke up to find her pants and  
17 underwear had been pulled down to about her mid  
18 thigh area.

19 Q. And then the next sentence with  
20 regard to the claim of insertion of two fingers  
21 in your vagina --

22 A. Yes.

23 Q. -- do you see that?

24 When is the first time you recall making  
25 that claim or that allegation?

1 A. To who?

2 Q. To anyone.

3 A. Using these words?

4 Q. Well, or words to that effect, yes.

5 When did you --

6 A. I -- I told several people that he --  
7 I woke up and that he was touching me. When I  
8 talked to the police, I had to use more  
9 scientific terms and that's when I said things  
10 such as two fingers and vagina.

11 Q. And insertion and basically  
12 penetration?

13 A. Exactly, yes.

14 Q. Which is never mentioned beforehand.  
15 It's never mentioned until then, is it?

16 MR. PHILLIPS: Wait for a question.

17 Q. It's never mentioned until you talked  
18 to the police?

19 A. Yes.

20 MR. PHILLIPS: Wait for a question.  
21 Don't respond to statements.

22 Q. Is that correct?

23 A. I'm sorry, what's the question?

24 Q. It's never mentioned until you talk  
25 to the police; is that correct?

1 MR. PHILLIPS: Objection, form.

2 Q. Go ahead and answer.

3 A. I -- yes.

4 Q. When and to whom?

5 A. What's the question?

6 Q. The first time you mentioned  
7 Mr. Young inserting two fingers into your vagina  
8 was when you talked to the police; is that  
9 correct?

10 A. Yes.

11 Q. Thank you. As long as we have this  
12 report, if you go to -- turn to page 6 of 8 for  
13 me, please.

14 A. After this I'd like to take a break.

15 Q. Any time you want to take a break,  
16 just let me know.

17 MR. PHILLIPS: There isn't a  
18 question right now. Do you want to take a break?

19 A. Can we take a break now?

20 Q. Sure. Yeah, that's fine.

21 (A short recess was taken.)

22 Q. What page did I point you to? Six?

23 A. Yes.

24 Q. Well, I meant seven. I'm sorry.

25 A. Okay.

JENNA JOHNSON - DIRECT (Young)

24

1 Q. And this deals with -- the bottom of  
2 the page, the last full paragraph and the next  
3 four lines at the bottom of the page, and that's  
4 dealing with the -- some events that happened --  
5 that occurred post the -- what's referred to as  
6 the one-party consent call. Apparently you were  
7 contacted on June 22nd, I assume, 2005, not 2004,  
8 by Officer Circo; is that correct?

9 A. Yes.

10 Q. And that was with regard to the  
11 statement in the one-party consent call of  
12 Mr. Young or his statements dealing with oral  
13 sex, correct?

14 A. Correct.

15 Q. Am I correct in understanding that  
16 Officer Circo wanted to clarify whether or not  
17 there was any substance to Mr. Young's statements  
18 in that call?

19 A. Yes.

20 Q. And on the telephone did you, in  
21 fact, admit to the events as stated by Mr. Young  
22 in the call?

23 MR. PHILLIPS: Object to form.

24 MR. YOUNG: And let me rephrase it.

25 Q. You talked to Officer Circo on the



1 phone?

2 A. Correct.

3 Q. Was there an admission of -- on your  
4 part in your conversation with Officer Circo that  
5 oral sex had, in fact, occurred on that morning?

6 A. Correct.

7 Q. And then apparently did Officer Circo  
8 have you come down to Project Harmony once again?

9 A. Yes.

10 Q. And did you have a conversation with  
11 her regarding that subject?

12 A. Correct.

13 Q. Can you relate what you recall to us  
14 of that conversation?

15 A. I got down there and we sat down and  
16 again she reminded me how important it was to  
17 tell the truth, and at that point she asked me  
18 again about it and I denied it.

19 Q. In your conversation with Officer  
20 Circo, was she trying to sway you in any way as  
21 far as providing information regarding that  
22 subject?

23 A. No.

24 Q. Was she couching -- coaching --  
25 coaching you to deny the oral sex in any way?

1 A. No.

2 Q. It was all of your own decision as  
3 far as the position that you took at that point  
4 in time?

5 A. Yes.

6 Q. Am I correct in understanding that  
7 when you were down at Project Harmony, again, you  
8 denied the oral sex on two separation occasions  
9 with -- in your conversation with Officer Circo?

10 A. Yes.

11 Q. Okay. She didn't try and talk you  
12 into recanting your previous admission?

13 A. No.

14 MR. YOUNG: Let's go off the record  
15 a minute.

16 (An off-the-record discussion was  
17 held.)

18 (Deposition Exhibit Number 6 was  
19 marked for identification.)

20 Q. I'll hand you what's been marked as  
21 Deposition Exhibit No. 6. Have you seen that  
22 before?

23 A. Yes.

24 Q. The only questions I have with regard  
25 to the one-party consent call relate to the

1 recording device utilized by Officer Circo.  
2 Apparently there was a claim of some type of  
3 failure of the recording device; is that correct?

4 A. Correct.

5 Q. Could you tell me what you recall  
6 happening with regard to the recording device?

7 A. She hooked the device up to the  
8 phone. I made the phone call. During the phone  
9 call something happened with it. I don't know if  
10 the tape broke or the machine jammed. She  
11 jiggled it a little bit and ran out of the room,  
12 came back with another tape player and hooked  
13 that tape player up.

14 Q. Do you recall how -- and this is when  
15 the conversation was ongoing on the phone?

16 A. Correct.

17 Q. Do you recall how early in the  
18 telephone call that occurred?

19 A. No. I don't -- I don't remember when  
20 it happened.

21 Q. Do you recall whether it was at the  
22 very end or middle or the beginning?

23 A. I don't -- I don't know.

24 Q. Well, did the recording device simply  
25 stop working?

JENNA JOHNSON - DIRECT (Young)

28

1 A. I --

2 MR. THELEN: Object to foundation.

3 Q. Just tell me what you observed.

4 A. Well, I was focused on the phone call  
5 conversation.

6 Q. Right.

7 A. Something happened to the machine. I  
8 mean, I think it made a sound or something  
9 happened.

10 Q. Okay.

11 A. I have no idea what.

12 Q. Okay.

13 A. I wasn't focused on that.

14 Q. And then was it replaced with another  
15 machine?

16 A. I believe so.

17 Q. Do you recall any problems after that  
18 occurred?

19 A. No.

20 Q. Officer Circo unplugged whatever  
21 attachment she had for recording the telephone  
22 conversation from the one unit and then plugged  
23 them into another unit. Would that be correct?

24 A. I believe so.

25 Q. Ms. Johnson, on June 16th of 2005 you

1 had a taped interview with Officer Circo at  
2 Project Harmony; is that correct?

3 A. Correct.

4 (Deposition Exhibit Number 7 was  
5 marked for identification.)

6 Q. And that interview was tape recorded,  
7 correct?

8 A. Correct.

9 Q. It's on a videotape?

10 A. Yes.

11 Q. Have you ever reviewed that  
12 videotape?

13 A. Yes.

14 Q. I'll hand you what the reporter has  
15 marked as Deposition Exhibit 7 and ask you if  
16 you've ever seen that before?

17 A. Yes.

18 Q. And that's a transcript, once again,  
19 by Cynthia A. Craig of Thomas & Thomas Reporters  
20 of that interview -- taped interview?

21 A. Yes.

22 Q. All right. I'm not going to ask you  
23 questions on that. I just wanted to put that in  
24 the record along with the consent call.

25 (Deposition Exhibit Number 8 was

1 marked for identification.)

2 Q. I'll hand you what's been marked as  
3 Deposition Exhibit No. 8, which is the  
4 transcription of your deposition taken by  
5 Mr. Davis. Would you review it and see if that's  
6 what it appears to be. Does it?

7 A. Yes.

8 Q. And I'm not going to ask you  
9 questions about it.

10 A. Okay.

11 Q. Do you recall that David Young was  
12 arrested for first degree sexual -- the charge of  
13 first degree sexual assault, I believe it was  
14 August 24th of 2005?

15 A. Yes.

16 Q. And the arrest warrant was issued  
17 shortly before that, I believe it was somewhere  
18 around the 18th or 19th of August of that year?

19 A. Yes.

20 Q. Up until that point in time, late  
21 August, had you indicated to law enforcement  
22 officers the nature of consensual conduct that  
23 occurred on the morning of the incident between  
24 you and Mr. Young?

25 A. What's the question?

1 Q. I'm trying to get at what police  
2 officers knew at the time an arrest warrant was  
3 issued for Mr. Young. Did they know about the  
4 consensual conduct between you and Mr. Young?

5 A. They knew everything in that Project  
6 Harmony videotaped conversation, everything in  
7 the police report.

8 Q. They didn't know about the oral sex,  
9 did they?

10 A. Correct.

11 Q. And they didn't know about the  
12 consensual conduct between you and Mr. Young?

13 A. What does consensual conduct mean?  
14 They knew that we kissed. They knew that we made  
15 out.

16 Q. They didn't know about the more  
17 intimate details of the conduct of both parties,  
18 did they?

19 MR. PHILLIPS: Object to the form.

20 Q. Go ahead and answer.

21 A. What's the question?

22 Q. Let me take a step back. In your  
23 Project Harmony interview you indicated there was  
24 no consensual conduct, correct?

25 A. Correct.

1 Q. In your deposition and trial  
2 testimony there was considerably different  
3 testimony from you regarding the conduct of the  
4 parties in that there was consensual sexual  
5 conduct between the two of you; is that correct?

6 A. Yes.

7 Q. Okay. Did the police know about that  
8 when the arrest warrant was issued?

9 MR. PHILLIPS: Object to form.

10 MR. THELEN: Object to form and  
11 foundation.

12 Q. Had you disclosed it to the police?

13 A. No, I had not told the police about  
14 the oral sex at that point.

15 Q. How about the other consensual  
16 conduct between the parties?

17 MR. PHILLIPS: Object to the form.

18 MR. THELEN: Same objection.

19 Q. Strike that. Let me try it a  
20 different way. Is what the police knew when the  
21 arrest warrant was issued what is contained in  
22 the Project Harmony interview?

23 A. Yes.

24 Q. Did they know anything else besides  
25 that?



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1 MR. PHILLIPS: Object, foundation.

2 Q. Go ahead and answer.

3 MR. THELEN: Same objection.

4 A. Not that I know of.

5 Q. You didn't provide them any other  
6 information of conduct between you and Mr. Young  
7 of that morning?

8 A. No.

9 Q. Okay. That's all I'm trying -- I  
10 just want to know what the police knew, what you  
11 had conveyed to the police at the time the arrest  
12 warrant was issued, and nothing more than what  
13 they would have gotten out of the Project Harmony  
14 interview?

15 A. Is that a question?

16 Q. Yes.

17 A. Yes.

18 Q. So if I look at the Project Harmony  
19 interview, then I know what the police knew at  
20 the time they determined that an arrest warrant  
21 was appropriate?

22 MR. PHILLIPS: Object to the form.

23 A. I believe so.

24 Q. Okay. Am I correct in understanding  
25 that up to the point Mr. Young was arrested in

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1 August of 2005, it was your desire that Mr. Young  
2 be arrested for first degree sexual assault?

3 A. I wanted him to be held accountable.  
4 I had no say in what charges would be pressed.

5 Q. I didn't indicate -- I'm not -- the  
6 question didn't indicate that you had any say in  
7 it, but the question was: You wanted him charged  
8 with first degree sexual assault?

9 A. Yes.

10 MR. PHILLIPS: I think she's  
11 answered that.

12 A. I just answered it.

13 Q. And the answer is?

14 A. The answer is I had no control over  
15 what charges they pressed, but, yes, I wanted him  
16 held responsible for what had happened. I wanted  
17 him to be arrested, yes.

18 Q. You wanted him to be charged?

19 A. Yes.

20 Q. And you wanted him to, at least,  
21 endure the prosecution for those charges,  
22 whatever the police and county attorney decided?

23 A. Yes.

24 Q. Did you want him to also go to jail?

25 A. I don't know.

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1 Q. Never thought about it up to that  
2 point in time?

3 A. No.

4 Q. And up to this point in time, you're  
5 not telling the truth, are you?

6 MR. PHILLIPS: Up to what point in  
7 time?

8 Q. Up until August of 2005 when  
9 Mr. Young is arrested, you were not telling the  
10 police the truth; is that correct?

11 A. I did not tell them the truth about  
12 the oral sex, correct.

13 Q. You actually told them that you had  
14 never touched his penis also, correct?

15 A. Correct.

16 Q. That wasn't truthful, was it?

17 A. No, it was not truthful.

18 Q. Not that you would have any  
19 knowledge, but I will ask the question and you  
20 can tell me that you have no idea if that such is  
21 the answer, but do you have any idea why a tape  
22 recorder utilized for the one-party consent call  
23 would be able to record your question to  
24 Mr. Young but not his answer and do that three  
25 more times after that?

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1 MR. PHILLIPS: Object to the form,  
2 foundation.

3 Q. I'm just asking if you have any idea  
4 why it would do that?

5 MR. THELEN: Same objection.

6 Q. Please answer.

7 A. I have no idea.

8 MR. YOUNG: Let's go off the record.

9 (An off-the-record discussion was  
10 held.)

11 MR. YOUNG: Back on the record, I  
12 guess.

13 (Deposition Exhibit Number 9 was  
14 marked for identification.)

15 Q. Okay. I'll hand you what the court  
16 reporter has marked as Deposition Exhibit 9. I  
17 will represent to you that that is the portion of  
18 the trial transcript of your testimony. I --  
19 because I do not know whether the transcripts  
20 jibe as to what all the parties have. I'd like  
21 to go through some of the transcript. I'm simply  
22 going to ask -- refer you to the particular pages  
23 and lines and ask if you have any dispute with  
24 that being your testimony and those being the  
25 questions asked. I do not want to ask -- I'm not

1 going to be asking questions as much as I just  
2 want to know whether the transcript is accurate  
3 to your recollection.

4 A. Got it.

5 Q. If you would go to page 56, line 22,  
6 to 57, line 21. Does that comport with your  
7 recollection?

8 A. Yes.

9 Q. Page 61, line 1 to line 6 -- line 8  
10 comport with your recollection?

11 A. Yes.

12 Q. Page 65, line 11, to page 66, line 5.

13 A. Yes.

14 Q. And page -- and I appreciate you're  
15 just answering when it comports with your  
16 recollection. Page 67, line 9 through 15?

17 A. Yes.

18 Q. Page 69, line 10 through line 24?

19 A. Yes.

20 Q. Page 70, line 9, through 71, line 6.

21 A. Yes.

22 Q. Page 72, line 11 through line 25?

23 A. Yes.

24 Q. Page 73, line 14, through 74, line 2?

25 A. Yes.

1 Q. And on 74, line 14 through 17?

2 A. Yes.

3 Q. Page 75, line 3, to page 76 -- or  
4 actually through all of 76. Actually it will go  
5 to page 77, line 6. Did I make that clear enough  
6 for you?

7 A. I have to read through all of them.

8 Q. Yes.

9 A. Yes.

10 Q. Page 88, line 17 through 25?

11 A. Yes.

12 Q. Page 89, line 1 through 18?

13 A. Yes.

14 Q. Page 90, line 3 through 20?

15 A. Yes.

16 Q. Page 92, line 13 through 16?

17 A. Yes.

18 Q. Page 95, line 18, through 97, line 1?

19 A. Yes.

20 Q. Page 98, line 4 through 8?

21 A. Yes.

22 Q. And from line 14 on 98 through line  
23 12 of 99?

24 A. Yes.

25 Q. Okay. Page 102, line 3 through 14?

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1 A. Yes.

2 Q. Line -- page 110, line 10 through 12?

3 A. Yes.

4 Q. Page 117, line 18 through 23?

5 A. Yes.

6 Q. Page 126, line 7, through 127, line

7 5?

8 A. Yes.

9 Q. And then also on 127, line 11

10 through -- well, on to page 128, line 12?

11 A. Through line what?

12 Q. Twelve on 128.

13 A. Yes.

14 Q. And page 131, line 17, to 132, line

15 7?

16 A. Yes.

17 Q. 139, line 12 to 21?

18 A. Yes.

19 Q. Page 144, line 20, to 145, line 12?

20 A. Yes.

21 Q. 146, line 3 through line 7?

22 A. Yes.

23 Q. With regard to that particular

24 question, I assume it should read lie by

25 omission?

1 MR. PHILLIPS: Just a second.

2 Q. If you recall?

3 MR. PHILLIPS: What is the question?

4 Q. I assume that should read lie by  
5 omission, is that correct, or do you recall?

6 MR. PHILLIPS: Do you remember?

7 MS. LYNCH: Objection, foundation.

8 MR. PHILLIPS: The question is, do  
9 you remember whether you said what appears on  
10 line 3?

11 MS. LYNCH: It was the question.

12 MR. YOUNG: It was the question.

13 A. I don't know. I don't know. I can't  
14 remember what the question was.

15 Q. That's fine. Then line -- on page  
16 146, are you still there?

17 A. Uh-huh.

18 Q. Line 21 through 23. And then -- is  
19 that all right?

20 A. Yes.

21 Q. And then line 25, on to page 147,  
22 line 4?

23 A. Yes.

24 Q. Page 148, line 25, through 149, 7?

25 A. Yes.



1 Q. And then on the same page, line 14  
2 through 18?

3 A. Yes.

4 Q. Page 150, line 5 through 25?

5 A. Yes.

6 Q. Page 153, line 20, through 154, line  
7 5?

8 A. Yes.

9 Q. All right. So it appears that what I  
10 have for the transcript, at least the portions  
11 that we've gone over, seem to be accurate as far  
12 as your recollection goes?

13 A. Yes.

14 Q. All right. All right. In your  
15 responses to discovery, specifically  
16 Interrogatory No. 3, you identify individuals who  
17 you recall talking to prior to trial. Maybe we  
18 can go through those. We've got Katie Ryan.  
19 Now, I assume that's pretty much been fleshed out  
20 in all the reports and all the deposition  
21 testimony and the trial testimony as far as your  
22 conversations with Katie Ryan?

23 A. Yes.

24 MR. PHILLIPS: Wait for the  
25 question.

1 Q. And Samantha Peterson, would I be  
2 correct in understanding that any conversations  
3 you had with her were pretty much confined to the  
4 date of the incident?

5 A. Yes.

6 Q. All right. All right. Let's deal  
7 with -- the next individuals identified are your  
8 mother and father. All right?

9 A. Correct.

10 Q. All right. Now, you apparently  
11 talked to your mom that Sunday afternoon; is that  
12 correct?

13 A. Yes.

14 Q. And do you recall when you went home  
15 that Sunday, what time?

16 A. Early afternoon.

17 Q. And when did you talk to your mom  
18 about the incident?

19 A. Soon after I arrived home.

20 Q. Do you recall the nature of the  
21 conversation?

22 A. What do you mean by that?

23 Q. What did you say? What did she say?

24 A. We talked about what I had done the  
25 night before and in that -- I told her that --

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1       that this incident happened and then --

2               Q.       Did your mother make any suggestions  
3       at that time as to what you should do?

4               A.       She was more concerned with just  
5       making sure that I was okay and taken care of. I  
6       mean, she did say she wanted me to talk to my dad  
7       about it.

8               Q.       Any other points of conversation  
9       between you and your mother that you can recall  
10       and tell us?

11              A.       I don't think so.

12              Q.       Your father was out of town in  
13       Washington, D.C.; is that correct?

14              A.       Yes.

15              Q.       And do you recall when you talked to  
16       him about this incident?

17              A.       Yes.

18              Q.       When was that?

19              A.       That Sunday evening.

20              Q.       Do you know approximately what time  
21       it occurred?

22              A.       No.

23              Q.       Do you recall the conversation?

24              A.       Not really.

25              Q.       You don't recall what you said to him

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1 and he said to you?

2 A. Not word for word.

3 Q. Well, I'm just asking for what you do  
4 recall, if you could tell us that.

5 A. I remember telling him that I had  
6 been hanging out at Katie's house and that, I  
7 guess, the fact that it happened, that I had  
8 woken up and this guy was touching me, and -- and  
9 him being my dad, he was -- you know, told me  
10 that I -- he was upset that it happened to me and  
11 he consoled me. He was really broken up about  
12 it, and he said -- he was the one who suggested  
13 that I call the police.

14 Q. Did you tell your father that there  
15 was penetration?

16 A. I did not use the word "penetration."  
17 I told him that --

18 Q. What do you --

19 A. -- he was touching me.

20 Q. That's what I'm asking, what you  
21 recall telling your father.

22 A. What's the question?

23 Q. What you recall telling your father.  
24 You say you didn't use the word "penetration,"  
25 but what words did you use, if you recall? Can

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1 you tell us?

2 A. I did not use the word "penetration,"  
3 but I made it clear to him that this guy was  
4 touching me in a very sensitive area. I don't  
5 remember the exact words that I used.

6 Q. Anything else about the conversations  
7 with your mom and dad that day?

8 A. Not that I can recall.

9 Q. As far as the incident goes, did you  
10 have any other conversations with your mother or  
11 your father after that day?

12 A. Yes.

13 Q. Okay. Do you recall any of them?

14 A. Not specifically.

15 Q. Do you have a general recollection as  
16 to when they occurred?

17 A. No.

18 Q. Would they have been ongoing for  
19 approximately another year or so after the  
20 incident?

21 A. They've been ongoing for four years.

22 Q. So they continue to this day?

23 A. Yes.

24 Q. Are these conversations about the  
25 incident, the Sunday morning incident?

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1           A.     No, no. Not the specific incident,  
2     no.

3           Q.     That was the nature of my question.

4           A.     I didn't understand your question  
5     then.

6           Q.     That's why I just -- I'm trying to  
7     clarify.

8           A.     Okay.

9           Q.     Did you have subsequent discussions  
10    with regard to the incident, what occurred that  
11    morning?

12          A.     Maybe once or twice more, but not  
13    substantive discussions about that incident, no.

14          Q.     Do you recall when that might have  
15    occurred?

16          A.     No.

17          Q.     Do you recall the content of any of  
18    those conversations?

19          A.     I don't.

20          Q.     Did you just generally repeat your  
21    prior conversations?

22          A.     Yes.

23          Q.     In conversations with your mother  
24    about this incident, when did you, if ever,  
25    provide -- let me strike that.

1           On the day of the incident, did you tell  
2           your mom or your father anything with regard to  
3           the consensual sexual conduct that occurred that  
4           morning?

5           A.     No.

6           Q.     With regard to your mother, did you  
7           ever tell her?

8           A.     Yes.

9           Q.     When was that?

10          A.     After my deposition.

11          Q.     With regard to your father, did you  
12          ever tell him?

13          A.     No.

14          Q.     Does he know that --

15          A.     Yes.

16          Q.     -- today?

17          A.     Yes.

18          Q.     Do you know how he knows?

19          A.     I'm guessing my mom told him.

20          Q.     Do you know when that might have  
21          occurred?

22          A.     I have no idea.

23          Q.     It would be after you told your mom,  
24          obviously?

25          A.     Yes.

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1 Q. Which was after the deposition --

2 A. Yes.

3 Q. -- which was March 17th of 2006?

4 A. Yes.

5 Q. Am I correct in understanding you've  
6 never had a conversation with your father then  
7 about that consensual sexual conduct between you  
8 and David Young on the day of the incident?

9 A. Yes.

10 Q. But you have had such a conversation  
11 with your mom?

12 A. Yes.

13 Q. Okay. David Martins and the dorm  
14 advisor, I believe that's Martins and Perrone,  
15 your contact or your discussions with them would  
16 just be that day at Creighton?

17 A. Was that a question?

18 Q. Yes.

19 A. Yes.

20 Q. You didn't talk to them at any other  
21 times, did you?

22 A. No.

23 Q. And Officer Christensen, I believe,  
24 was the police officer who came out and took the  
25 initial report. You may not remember.



1 A. I believe it was Cunningham.

2 Q. Oh, Cunningham, I think you're right.  
3 You're right and I'm wrong. That's the only time  
4 you talked to that officer about it?

5 A. Correct.

6 Q. And Shipman and Schmeling from  
7 Creighton, you didn't talk to them after the --  
8 what, the first day or two?

9 A. I talked to them several times.

10 Q. Well, let's take, then, Desiree  
11 Shipman. Can you tell me when you talked to her  
12 and what the nature of the conversations were?

13 A. Actually Desiree Shipman, I just  
14 talked to on the phone that Monday or Tuesday.  
15 It was Schmeling I talked to several times.

16 Q. Can you tell me about your  
17 conversations with her and when they occurred,  
18 what the nature of the conversations were with  
19 her?

20 MR. PHILLIPS: Who?

21 MR. YOUNG: Schmeling.

22 MR. PHILLIPS: I assume Shipman's a  
23 her, too.

24 MR. YOUNG: I'm talking about Sister  
25 Annette Schmeling.

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1           A.     They were usually on the phone. It  
2     was usually her trying to convince me to go  
3     through the court process.

4           Q.     Do you know when those conversations  
5     occurred?

6           A.     No.

7           Q.     Was it in 2005?

8           A.     It was -- there were -- it was after  
9     the trial.

10          Q.     That would be 2006?

11          A.     Okay. 2006.

12          Q.     Do you know Annette -- it'd have to  
13     be after July, then?

14          A.     Yes.

15          Q.     Do you have any idea when she  
16     contacted you?

17          A.     I believe it was in August. I think  
18     most of the communication was in August. Maybe  
19     it was -- it was a long time ago.

20          Q.     I take it you declined that  
21     suggestion or that opportunity?

22          A.     Yes.

23          Q.     Do you know how many times you talked  
24     to Sister Schmeling about that subject?

25          A.     Not exactly.

1 Q. Did you have any conversations with  
2 her about the incident in basically 2005 and 2006  
3 up to the time of the trial?

4 A. If -- if she ever called me, I would  
5 just refer her to my lawyer at that point.

6 Q. And -- okay. We've got -- the next  
7 person is Mike Cox. He's identified as family  
8 attorney. When did you retain counsel?

9 A. Soon after the incident.

10 Q. Did you attend to that or did someone  
11 else?

12 A. My parents did.

13 Q. Do you know if it was your father or  
14 your mother?

15 A. I believe my mother made the initial  
16 phone calls. It was both of them.

17 Q. Okay. Was that on Monday, the 6th,  
18 do you know?

19 A. Yes.

20 Q. If you know, and only if you know,  
21 was Mr. Cox also representing your mother or your  
22 father at the time?

23 A. No.

24 Q. Do you have any record of your  
25 conversation or communications with Mr. Cox?

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1 A. Do I have any record of our --

2 Q. Yeah. Yes.

3 A. Not that I know of.

4 Q. Well, do you know when you talked to  
5 him?

6 A. Soon after. Within a week of the  
7 incident was one time.

8 Q. Did you talk to him by phone prior  
9 to, say, a week after the incident?

10 A. I had -- I had a meeting at his  
11 office within a week of the incident.

12 Q. Was Mr. Cox representing you in  
13 contacting people at Creighton University, if you  
14 know?

15 A. Yes.

16 Q. Did he, on your behalf, talk to  
17 anyone else about this incident and pending  
18 criminal charges?

19 MR. PHILLIPS: I'm going to object  
20 to that based on the attorney-client privilege.  
21 What she knows about who he talked to could only  
22 have come from her conversations with her lawyer.  
23 She's not going to answer any questions about her  
24 conversations with her lawyer or anything she  
25 knows based on those conversations.

1 MR. YOUNG: So you are not going to  
2 provide any information as to even any facts that  
3 Mr. Cox may have given to you or information?

4 MR. PHILLIPS: Yes, that's right.

5 MR. YOUNG: And I want to make it  
6 clear for the record, I am not asking any  
7 questions with regard to any advice that Mr. Cox  
8 may have given to her. I am specifically seeking  
9 to inquire as to facts made known to you by  
10 Mr. Cox.

11 Q. Are you still refusing to answer any  
12 questions along those lines?

13 A. Yes.

14 Q. Mr. Cox communicated with the county  
15 attorney's office, did he not, on your behalf?

16 MR. PHILLIPS: If you know the  
17 answer because of something he told you, then  
18 we're not going to answer that question because  
19 we're not going to talk about anything Mr. Cox  
20 told her.

21 MR. YOUNG: That's fine. I just  
22 need some of the questions to frame my request to  
23 the Court.

24 MR. PHILLIPS: All right. Don't  
25 answer that question. It's privileged.

1 Q. Mr. Cox, did he communicate on your  
2 behalf with the Omaha Police Department?

3 MR. PHILLIPS: Don't answer that  
4 question. It's privileged.

5 A. I'm not going to answer that.

6 MR. YOUNG: Let's go off the record  
7 a second.

8 (An off-the-record discussion was  
9 held.)

10 Q. Let's go back on the record.

11 On your behalf in Mr. Cox's representation  
12 of you, do you know if he contacted or  
13 communicated with -- and I've asked the question  
14 about Douglas County Attorney's Office and I've  
15 asked about the Omaha Police Department, so I'm  
16 going to ask about the rest of the world pretty  
17 much. Did he contact anyone else with regard to  
18 this incident and pending criminal charge?

19 A. I'm not going to answer that.

20 MR. PHILLIPS: Because it's  
21 privileged.

22 Q. And I assume all of these refusals to  
23 answer will be based upon privilege, correct?

24 A. Correct.

25 Q. Okay. As far as your communications

1 with Mr. Cox during the time -- does -- strike  
2 that.

3 Is Mr. Cox still representing you?

4 A. No.

5 Q. Can you tell me the time period of  
6 his representation of you? I know when it  
7 started. I need to know when it stopped.

8 A. I believe it was until after the  
9 trial.

10 Q. Anyway, with regard to his  
11 representation of you with regard to this  
12 matter -- the criminal matter, the incident, can  
13 you tell me any other person or entities that he  
14 contacted with regard to representing you other  
15 than the two entities I've already asked you  
16 about?

17 A. Again, I'm not going to answer that  
18 because it's privileged.

19 Q. Okay. For the record, I want to  
20 clarify, I can't even get information on who  
21 Mr. Cox even had any communication with during  
22 the time that he represented you?

23 MR. PHILLIPS: That's correct,  
24 because she would only know based on him having  
25 told her.

1 Q. Is that correct?

2 A. Yes.

3 Q. Thank you. All right. Let's jump to  
4 Angie Circo. Same as during the investigation  
5 and up through the trial of this matter, you had  
6 conversations with her?

7 A. Yes.

8 Q. We're aware of the Project Harmony  
9 interview and your dealings with her up to that  
10 point in time. How much contact with her did you  
11 have after, let's say, June -- mid June of 2005?

12 A. Very limited. I --

13 Q. Did you talk to her on an ongoing  
14 basis?

15 A. No.

16 Q. Did your attorney talk to her on an  
17 ongoing basis?

18 MR. PHILLIPS: Objection,  
19 privileged.

20 Q. Well, let's find -- do you know when  
21 you talked to her?

22 A. I -- after the investigation, it was  
23 maybe one or two phone calls. The only ones I  
24 remember, she called me to tell me that David had  
25 been arrested. She called me another time saying



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1 Creighton had contacted her wanting me to talk to  
2 them. Those are the only times I remember.

3 Q. What -- when is "after the  
4 investigation"? What -- your answer that you  
5 gave me said after the investigation I only  
6 talked to her two or three times?

7 A. After the last -- I mean, after the  
8 time that I went down to talk to her about the --

9 Q. June 22nd or 24th --

10 A. Right.

11 Q. -- whenever that was?

12 A. Right.

13 Q. All right. You didn't talk to her  
14 very much after that?

15 A. Not that I remember.

16 Q. All right. And after that point in  
17 time, do you recall what you did discuss with her  
18 when you did talk to her?

19 A. For the time I remember, yes.

20 Q. Well, what one -- what do you  
21 remember is what I'm asking?

22 A. I believe -- I believe over the  
23 course of the summer she might have called to  
24 clarify a fact or get -- she might -- she would  
25 call me quickly to clarify facts or I believe one

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1 time she had to get contact information for one  
2 of my friends, and then she called me after David  
3 was arrested, and then another time after that  
4 with a request from Creighton. That's all the  
5 times I remember.

6 Q. Well, in 2006 did she call you any  
7 time in June or July regarding an ongoing  
8 investigation?

9 A. No.

10 Q. So you couldn't have provided her  
11 with any information with regard to a search  
12 warrant or an affidavit for a search warrant that  
13 got issued in that time period?

14 A. No.

15 Q. Did you know that there was going to  
16 be a search warrant issued?

17 A. No.

18 Q. Did you know when David Young was  
19 going to be arrested?

20 A. No.

21 Q. Did you know that he was going to be  
22 arrested?

23 A. No.

24 Q. So you were not advised that an  
25 arrest warrant was sworn out and filed?

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1 A. No.

2 Q. And you weren't aware that an arrest  
3 warrant was signed by the -- by the county court?

4 A. No.

5 Q. Were you aware of the county  
6 attorney's office activities in attempting to  
7 subpoena David Young's -- David Young's records  
8 from Creighton?

9 A. No.

10 Q. Well, were you aware of information  
11 that was to be disclosed -- that was disclosed by  
12 the Omaha Police Department upon Mr. Young's  
13 arrest?

14 A. I'm sorry. What was the question?

15 Q. Did you know what information the  
16 Omaha Police Department disclosed at the time of  
17 Mr. Young's arrest?

18 A. To the general public?

19 Q. Yes.

20 A. No.

21 Q. Were you aware that KETV was going to  
22 run a news report on the arrest?

23 A. No.

24 Q. Did you know -- I think it was July  
25 2006 there was a search warrant that was -- a

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1 no-knock search warrant that was issued on  
2 Creighton University?

3 A. No.

4 Q. Did you know that the State had moved  
5 to continue the trial -- the criminal trial?

6 A. Remind me what continue means.

7 Q. Delay it, put it off to a later date?

8 A. I know that it was delayed at least  
9 once or twice.

10 Q. Well, I think --

11 A. I don't remember.

12 Q. Let me clarify the question.

13 A. Okay.

14 Q. I believe there was a motion for a  
15 continuance on the 17th of July of 2006. Were  
16 you aware of that?

17 A. No.

18 Q. Were you aware that the county  
19 attorney's office was considering other -- filing  
20 other criminal charges against Mr. Young after  
21 the jury's decision?

22 A. No.

23 MS. LYNCH: Object, form and  
24 foundation.

25 Q. That's fine. Did you have any

1 knowledge of any attempts by anyone to assure  
2 that David Young did not get admitted to  
3 Creighton Law School?

4 A. No.

5 Q. Were you aware that Mr. Young had  
6 been arrested on a traffic citation on July 30 of  
7 2006?

8 A. No.

9 Q. Did anybody provide you any  
10 information or make any statements to you that  
11 there were other claims of sexual assaults by  
12 David Young?

13 A. Yes.

14 Q. Who was that?

15 A. Desiree Shipman.

16 Q. What did she say?

17 A. When I first talked to her, I said  
18 that my whole reason for reporting this was that  
19 I had heard from other girls at Creighton that  
20 David was known to assault women and that this  
21 had happened before and that he hadn't been held  
22 responsible for it, and she said, yes, I know, we  
23 have a whole file on him.

24 Q. Well, let me pick up on that subject.  
25 What information did you have and who did you get

1 it from and when? That's three questions. What  
2 information -- who -- who provided you with any  
3 information on that subject?

4 A. Katie Ryan.

5 Q. And when did she provide you with  
6 that information?

7 A. Before I talked to Desiree Shipman.

8 Q. That would be after the incident?

9 A. Correct.

10 Q. Within the first day or so?

11 A. Yes.

12 Q. And what did she say to you?

13 A. Katie?

14 Q. Yes.

15 A. Katie told me that she had talked to  
16 a resident assistant who had told her that David  
17 had been barred from dorms because of prior  
18 incidences and that this RA personally knew women  
19 who had had problems with him.

20 Q. Okay. Do we know who this RA --  
21 resident assistant?

22 A. I have no idea.

23 Q. And did Katie Ryan indicate when she  
24 was told this by this resident assistant?

25 A. After my assault, but before Katie

1       talked to me. So my assault happened, Katie and  
2       I talked about it. On that Sunday, Katie talked  
3       to this RA and then immediately talked to me.

4               Q.       Anybody else make those statements to  
5       you?

6               A.       In preparing for this trial, the  
7       prosecutors told me that they had learned that  
8       there had been other reports by other women made,  
9       but they didn't give me details on who or when or  
10      what.

11              Q.       And that's the only information that  
12      you have claiming sexual assault, then, is Katie  
13      Ryan repeating what somebody else had told her  
14      about something else that happened. That's one,  
15      correct?

16              A.       Correct.

17              Q.       And then the prosecutor saying that  
18      they had something else -- they had learned of  
19      something else?

20              A.       Correct.

21              Q.       Any specifics?

22              A.       About what?

23              Q.       The claimed other sexual assaults.

24              A.       Well, I -- I said they told me that  
25      they had learned from -- I believe from his

1 student file. These weren't just abstract  
2 claims, that there were concrete prior incidences  
3 that they were going to try to use in my case,  
4 but they didn't know if they would be able to,  
5 but they really kept me out of the loop. I had  
6 no idea.

7 Q. You have no more specifics than that?

8 A. Exactly.

9 Q. That's what I was asking. There's an  
10 allegation in the Complaint with regard to a  
11 higher up at the World-Herald. Are you familiar  
12 with that?

13 A. Yes.

14 Q. Is there any such higher up, to your  
15 knowledge?

16 A. To my knowledge, no.

17 Q. All right. Let's go back to your  
18 answers to discovery. I believe we've already  
19 completed Circo. You didn't talk to her much  
20 after the initial investigation.

21 Who is Lynn Safranek?

22 A. She's a police reporter at the  
23 World-Herald.

24 Q. Your Answers to Interrogatories  
25 indicate that you talked to her.



1 A. Yes.

2 Q. Did you -- can you tell me about  
3 that? When? What about?

4 A. A day after David was arrested, she  
5 called me and said that she and another editor at  
6 the World-Herald had learned about the incident  
7 ever since the police report was filed, but they  
8 don't report on such things until an arrest is  
9 made and so it never came up to that point. When  
10 he was arrested she was calling me to inform me  
11 that they had decided not to write anything about  
12 it, and not because I was an employee there or my  
13 dad was an employee there, but because they  
14 weren't interested in doing the story.

15 Q. Any other conversations with her or  
16 was that it?

17 A. That was it.

18 Q. Let's deal with Sandy Denton, contact  
19 and communication with her. Would you tell me  
20 about it?

21 A. She was the prosecutor on the case.

22 Q. All right.

23 A. So I met with her a handful of times.

24 Q. Do you recall the first time you  
25 talked or met her -- talked to her or met her?

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1 A. I don't remember specifically.

2 Q. Was it in 2005?

3 A. I'm trying to remember. No, I don't  
4 think -- I don't know.

5 Q. How about Matt Kahler, do you know if  
6 you talked to him in 2005?

7 A. No.

8 MR. PHILLIPS: No, you don't know,  
9 or, no, you didn't talk to him?

10 THE WITNESS: I don't know. I don't  
11 know. I don't -- I don't know.

12 Q. When is the first time that you  
13 recall having any contact with anyone at the  
14 county attorney's office?

15 A. When I got subpoenaed for the  
16 preliminary hearing.

17 Q. Which would have been sometime  
18 probably in September or October?

19 A. I believe it was, yes. I don't  
20 remember.

21 Q. You didn't talk to anybody at the  
22 county attorney's office prior to Mr. Young being  
23 arrested?

24 A. No.

25 Q. With regard to what you just

1 mentioned, the preliminary hearing, who contacted  
2 you, if you recall?

3 A. No one contacted me. I contacted  
4 them.

5 Q. Who did you contact?

6 A. I called -- I don't remember. I  
7 don't remember.

8 Q. Do you remember what you contacted  
9 the county attorney's office about?

10 A. I had been subpoenaed by James Martin  
11 Davis to appear at a preliminary hearing and  
12 wanted guidance on what -- how to handle that,  
13 and so I contacted the county attorney's office  
14 and they put me in touch with someone there.  
15 Honestly, I don't remember if it was Sandy or not  
16 because it ended up I didn't get called. I just  
17 spent a day sitting on a bench.

18 Q. Well, let's follow up with other  
19 contacts with Sandy Denton. What -- when do you  
20 first recall dealing with Sandy Denton?

21 A. I remember at one point I went and  
22 met with her in her office just to meet her and  
23 for her to go over how the case was going to go  
24 and what to expect. And then I met with her  
25 another time to talk about the whole oral sex

1 thing. I met with her one time to prepare -- or  
2 actually that -- no. That came up during a  
3 conversation with my parents for my deposition.  
4 She was at my deposition. Before trial we met  
5 maybe one, two more times. That was it.

6 Q. In preparing for your deposition, is  
7 that when you had conversations with Sandy Denton  
8 about the oral sex issue?

9 A. Yes.

10 Q. Did she provide any information to  
11 you with regard to being under oath and telling  
12 the truth?

13 A. Yes.

14 Q. Is that the first time that you  
15 advised anybody in the county attorney's office  
16 with regard to, I'll say, the consensual sexual  
17 conduct that occurred on the morning of the 5th  
18 of June?

19 MS. LYNCH: Objection, foundation,  
20 what we're talking about, consensual sexual  
21 conduct.

22 Q. Go ahead and answer.

23 A. Are you talking about the oral sex?

24 Q. Yes. Yeah.

25 A. And the question again was? I'm

1       sorry. Well, I want to make sure I'm answering  
2       the right question.

3           Q.       Well, that's fine. That's fine. I'm  
4       not -- I'm trying to remember the question I  
5       asked you.

6           A.       Okay.

7           Q.       I'm not -- I'm not -- all right.  
8       What -- what I'm trying to find out is whether  
9       that was the first time that the county  
10      attorney's office or anybody in the county  
11      attorney's office knew about the oral sex and any  
12      other consensual sexual conduct that occurred on  
13      that morning of June 5th of 2005.

14                  MR. PHILLIPS: Objection,  
15      foundation. Go ahead and answer.

16           A.       That was the first time I told them  
17      about the oral sex.

18           Q.       All right. To your knowledge, had  
19      anybody else told them about the oral sex?

20           A.       I have no idea.

21                  MS. LYNCH: Objection, foundation.

22                  MR. YOUNG: That's why I asked to  
23      her knowledge.

24           Q.       All right. You have no idea, right?

25           A.       Right.

1 Q. Were you just, by the way, meeting  
2 with Sandy Denton or was Matt Kahler also  
3 present?

4 A. He was added to the case later. I  
5 don't remember at which point he started being at  
6 meetings.

7 Q. Do you recall dealing with him prior  
8 to your deposition?

9 A. Yes.

10 Q. Who attended your deposition from the  
11 county attorney's office?

12 A. Sandy Denton for sure. I don't  
13 remember if Matt was there or not.

14 Q. Okay. Was Mr. Cox there?

15 A. No.

16 Q. And then after the deposition, you  
17 say you only -- you indicate you only had a  
18 couple conversations or meetings with her with  
19 regard to getting ready for trial?

20 A. Yes.

21 Q. How about Mr. Kahler, contact and  
22 communication with him?

23 A. The same as with Sandy.

24 Q. Okay. But that was after, later on,  
25 at least at the point where your deposition was

1 going to be taken and thereafter --

2 A. Right.

3 Q. -- with Mr. Kahler?

4 A. Right.

5 Q. Do you recall any -- any  
6 conversations between the two of you?

7 A. Any one-on-one conversations I had  
8 over the phone was just with Sandy. Any time I  
9 had a meeting Matt was also there.

10 Q. Do you recall anything about any of  
11 those meetings, what was discussed?

12 A. Just typical preparing to testify.

13 Q. Let's go to Amy Bones. What kind of  
14 discussions did you have with Amy Bones?

15 A. As far as I can remember, I think I  
16 only had one. I only recall one telephone  
17 conversation with her.

18 Q. When was that?

19 A. After the trial, in the fall of that  
20 year.

21 Q. And who made the phone call?

22 A. I called her.

23 Q. And why did you call her?

24 A. I had called Sister Schmeling to find  
25 out what the results of any disciplinary action

1 that was taken against your son was. Schmeling  
2 said she couldn't tell me, that I had to call  
3 Bones. I called Amy Bones and she told me that  
4 they couldn't release that information.

5 Q. Is that the only time you talked to  
6 her?

7 A. As far as I remember, yes.

8 Q. Your Answers to Interrogatories  
9 indicate you may have talked to others which you  
10 then didn't recall. Is there anybody else you  
11 recall, as you sit here today, talking to about  
12 this incident, Mr. Young's application for  
13 admission to Creighton Law School, the  
14 prosecution, charges, et cetera?

15 A. Not that I can think of.

16 MR. YOUNG: Can we take about a  
17 five- or ten-minute break?

18 MR. PHILLIPS: Sure.

19 (A short recess was taken.)

20 MR. YOUNG: Okay. Back on the  
21 record.

22 Q. Mrs. Johnson -- Ms. Johnson, you had  
23 no idea that Officer Circo was going to attempt  
24 to obtain a search warrant, a no-knock search  
25 warrant on Creighton University prior to it



1 occurring?

2 A. Right. I had no idea.

3 Q. Do you know when you might have found  
4 out about it? Well, did you find out about it?

5 A. No -- or when?

6 Q. Well, did you find out that there was  
7 a search warrant served on Creighton to obtain  
8 David Young's records?

9 A. No, I didn't know that.

10 Q. Okay. But I believe in the prior  
11 testimony you indicated that one of the  
12 prosecutors said they had gotten records from  
13 Creighton?

14 A. I don't know how they got those.

15 Q. I'm not indicating you did.

16 A. Right. I knew that they had them.

17 Q. All right. And just for the record,  
18 you aren't going to provide any information --  
19 testimony with regard to any information that  
20 Mr. Cox has provided to you based on  
21 attorney-client privilege; is that correct?

22 A. Yes.

23 Q. And I'm dealing with questions -- or  
24 I would be dealing with questions -- strike that.

25 I would be asking questions dealing with

1 factual matters as opposed to advice he has given  
2 you. Do you understand that?

3 A. Yes.

4 Q. All right. And you're still  
5 refusing?

6 A. Yes.

7 MR. YOUNG: Okay. I think I got my  
8 record. I have no further questions.

9 CROSS-EXAMINATION

10 BY MR. THELEN:

11 Q. Ms. Johnson, my name is Al Thelen.  
12 I'm with the Omaha City Attorney's Office and I  
13 represent Detective Circo and Sergeant Alan Reyes  
14 and Sergeant Teresa Negrón and the City of Omaha  
15 in this case. I just have a handful of questions  
16 for you.

17 MR. PHILLIPS: Excuse me. Before  
18 you start, because you're looking at him, you're  
19 going to have to really project so he can get  
20 your testimony. All right?

21 THE WITNESS: Yes.

22 Q. Obviously, as you testified, you had  
23 a lot of communications with Dr. -- with  
24 Detective Circo regarding the David Young matter,  
25 correct?

1 A. Correct.

2 Q. And when I say "David Young matter,"  
3 I'm referring to the incident with David Young  
4 and then the subsequent investigation and  
5 criminal prosecution of David Young. Okay?

6 A. Okay.

7 Q. And I think you testified that you  
8 also met with Officer Cunningham from the Omaha  
9 Police Department?

10 A. Correct.

11 Q. And was that at your house, your  
12 mother's house?

13 A. Yes.

14 Q. And that was the Monday after the  
15 incident?

16 A. Yes.

17 Q. Other than Officer Cunningham and  
18 Detective Circo, have you ever had any other  
19 communications with any Omaha Police Department  
20 people about the David Young matter?

21 A. No.

22 Q. Now, you've testified that Detective  
23 Circo never pressured you to testify one way or  
24 the other as to the facts in this David Young  
25 matter, correct?

1 A. Yes.

2 Q. Did anyone else from the Omaha Police  
3 Department ever pressure you to slant your  
4 testimony one way or the other regarding the  
5 David Young matter?

6 A. No.

7 Q. Did anyone else from the Omaha Police  
8 Department pressure you in any respect regarding  
9 your testimony in the David Young matter?

10 A. No.

11 Q. When you were talking about Detective  
12 Circo earlier, you were talking about a meeting  
13 of approximately June 22nd when, in the morning,  
14 you had the phone call and you admitted the oral  
15 sex and then you came in to meet with her later  
16 in the day and denied the oral sex, correct?

17 A. Correct.

18 Q. That was approximately June 22nd of  
19 2005?

20 A. Yes.

21 Q. And you said Detective Circo didn't  
22 try to pressure you with respect to your  
23 testimony on that day?

24 A. Correct.

25 Q. Did Detective Circo attempt to

1 pressure you regarding your testimony about David  
2 Young -- about the David Young matter any other  
3 day?

4 A. No.

5 Q. At all other times she just  
6 emphasized telling the truth?

7 A. Yes.

8 Q. You were asked a series of questions  
9 about what the Omaha Police Department knew about  
10 this incident at the time that they had the  
11 arrest warrant issued. Do you recall that  
12 testimony?

13 A. Yes.

14 Q. Now, obviously you can't testify to  
15 what everybody in the Omaha Police Department had  
16 in their minds at the time of the arrest warrant,  
17 correct?

18 A. Correct.

19 Q. Your testimony was that Detective  
20 Circo, anyway, knew what you had told her in the  
21 Project Harmony interview that was videotaped,  
22 correct?

23 A. Correct.

24 Q. But in between the time of that  
25 Project Harmony videotaped interview and the time

1 that the police department issued the arrest  
2 warrant, the police kept investigating the case,  
3 isn't that at least possible?

4 MR. YOUNG: Objection, foundation.

5 A. I assume they did.

6 Q. Okay. Well, for example, the police  
7 gathered information through the one-party  
8 consent call between you and David Young,  
9 correct?

10 A. Correct.

11 Q. And after -- that happened after the  
12 Project Harmony interview that was videotaped?

13 A. Yes.

14 Q. The June 22nd phone call and meeting  
15 between you and Detective Circo, that happened  
16 after that initial -- that initial Project  
17 Harmony videotaped meeting, correct?

18 A. Correct.

19 Q. So that's another source of  
20 information for the police about this incident  
21 that occurred in between those two times?

22 A. Yes.

23 Q. And it's possible that in that period  
24 of time between June 16th and the issuance of the  
25 arrest warrant, that the Omaha police did other

1 interviews of other potential witnesses in this  
2 case, correct?

3 A. Exactly.

4 Q. Including David Young?

5 A. Yes.

6 Q. All of those things could have added  
7 to the police department's knowledge of the facts  
8 regarding this David Young matter, correct?

9 A. Yes.

10 MR. YOUNG: Objection, foundation.

11 MR. THELEN: Thank you, ma'am. I  
12 have no other questions.

13 MR. DOLAN: Mr. Phillips, do you  
14 mind if we question her?

15 MR. PHILLIPS: Oh, of course not.

16 CROSS-EXAMINATION

17 BY MR. DOLAN:

18 Q. Ms. Johnson, my name is Tim Dolan,  
19 and I'm a Deputy Douglas County Attorney working  
20 with Kristin Lynch on this matter. We represent  
21 Douglas County, Stuart Dornan, Sandy Denton and  
22 Matthew Kahler. Do you understand that?

23 A. Yes.

24 Q. I have just a few follow-up questions  
25 for you this morning based on Mr. Young's

1 questions. If at any point I ask you a question  
2 you don't understand, will you let me know and  
3 I'll try to rephrase it?

4 A. Definitely.

5 Q. I don't know that in my career I've  
6 ever gotten through a deposition where somebody  
7 didn't look at me and ask me -- take me up on  
8 that offer. So I'll throw that out there in  
9 advance.

10 If at some point you need to speak to  
11 Mr. Phillips, you need to let us know, or if you  
12 need a break, let us know.

13 A. Definitely.

14 Q. You've previously described the  
15 incident with the plaintiff, Mr. Young, but was  
16 there ever any doubt in your mind that you had  
17 identified the right person in the plaintiff,  
18 David Young, when you spoke with the police?

19 A. Never any doubt.

20 Q. Was there any doubt in your mind that  
21 you identified the correct individual in the  
22 plaintiff, David Young, when you spoke with the  
23 Creighton campus security officers?

24 A. No doubt.

25 Q. Was there ever any doubt in your mind



1 that you had identified the correct individual in  
2 David Young when you spoke with the prosecutors,  
3 Sandy Denton and Matt Kahler?

4 A. No.

5 Q. Now, there was questioning earlier on  
6 with respect to Exhibits 1, 2 and 3. I would ask  
7 you to pick those up, if you don't mind. I'm  
8 going to run through each one of those.  
9 Specifically I'd like to talk with you about the  
10 touching that is described in Exhibits 1, 2 and 3  
11 that you have been questioned about and actual  
12 penetration that is mentioned in subsequent  
13 reports.

14 When you first spoke with security personnel  
15 from Creighton, for instance, in Exhibit No. 1,  
16 were you -- when you said there was sexual  
17 touching, can you tell us what you meant by that?  
18 Do you know, when you first spoke with them, what  
19 you meant by "touching"?

20 A. By "touching" I meant that he was  
21 putting his fingers inside my vagina.

22 Q. Do you know if you were ever asked  
23 during the trial how you had defined "touching"  
24 when you were making these original reports? Did  
25 anybody ever ask you that?

1 A. No.

2 Q. Did the prosecutors ever ask you  
3 that?

4 A. I don't remember.

5 Q. Looking at page 2 of Exhibit No. 1,  
6 two sentences in, there's a sentence: She does  
7 not believe that he ever penetrated her or ever  
8 successfully forced intercourse.

9 Do you remember making that statement to the  
10 security officers at Creighton?

11 A. I remember them -- I remember them  
12 asking just point blank was there penetration.

13 Q. And was that after you told them he  
14 had his pants off?

15 A. Yes.

16 Q. Do you understand them to be asking  
17 if he had penetrated with his penis?

18 A. That's all I thought it could mean.

19 Q. So it's your recollection, and I'm  
20 asking at the time, if you remember, of that  
21 statement on page 2 of Exhibit No. 1, that she  
22 does not believe that he ever penetrated her or  
23 ever successfully forced intercourse, is it your  
24 recollection that you meant that he had not  
25 penetrated you with his penis?

1 A. Exactly.

2 Q. Were you excluding digital  
3 penetration when you told officers that or were  
4 you just not asked?

5 MR. YOUNG: Counsel, I'm going to  
6 object to the questions as being leading.

7 MR. DOLAN: It's cross-examination.

8 MR. YOUNG: You may consider it  
9 cross, I consider it not cross because of the  
10 relationship with the defendant, but I just want  
11 to make my objection for the record.

12 MR. DOLAN: The objection is duly  
13 noted.

14 MR. YOUNG: Thank you.

15 Q. Did you understand my question?

16 A. Ask it again.

17 Q. Were you ruling out digital  
18 penetration when you spoke with the security  
19 officers from Creighton?

20 MR. YOUNG: Same objection.

21 A. Yes -- or I -- I thought when they  
22 said penetration, they only meant with a penis.  
23 I didn't think that digital was included in that.

24 Q. Did you ever ask them -- did you ever  
25 make any effort --

1 A. No.

2 Q. -- to make sure you were all on the  
3 same page?

4 A. Not really, no.

5 Q. And did you think when you spoke of  
6 touching that that encompassed digital  
7 penetration?

8 A. Yes.

9 Q. At some point was the difference  
10 between touching and penetration explained to  
11 you?

12 A. Yes.

13 Q. And do you remember who explained  
14 that to you?

15 A. Well, when the police reporting line  
16 called me back, the woman asked me what happened,  
17 and I said, well, I woke up and he was touching  
18 me. She said, well, where was he touching you?  
19 Where were his fingers? What was he doing? And  
20 then I told her, and she said, ma'am, that is a  
21 sexual assault and I'm going to dispatch you  
22 through to 911.

23 Q. And that was after contacting the  
24 Omaha Police Department?

25 A. Right.

1 Q. So is it fair to say that the Omaha  
2 Police Department asked more pointed questions  
3 than Creighton security?

4 A. Definitely.

5 Q. All right. And I believe you  
6 testified neither Ms. Denton or Mr. Kahler told  
7 you to lie; is that correct?

8 A. Correct.

9 Q. Did they advise you to tell the  
10 truth?

11 A. Yes.

12 Q. Did either Ms. Denton or Mr. Kahler  
13 ever pressure you to keep your story consistent  
14 with what you had originally reported?

15 A. No.

16 Q. I mean, did they ever tell you don't  
17 reveal the oral sex?

18 A. No.

19 Q. Did you ever meet defendant Stuart  
20 Dornan?

21 A. No.

22 Q. Would you recognize him if he walked  
23 in the door this morning?

24 A. No.

25 Q. He's not going to walk in the door

1 this morning. Did you ever talk with him on the  
2 phone?

3 A. No.

4 Q. Did you ever talk with your parents  
5 about Mr. Dornan?

6 A. No.

7 Q. Do you recall if you ever talked with  
8 anybody about Mr. Dornan?

9 A. No.

10 Q. Do you -- do you know whether or not  
11 Mr. Dornan was involved in prosecuting the case  
12 against the plaintiff? Did he ever sit in on any  
13 of the meetings?

14 A. No.

15 Q. And were you ever shown copies of the  
16 records from Creighton University that have been  
17 discussed earlier?

18 A. No.

19 Q. And do you know -- Mr. Kahler, I  
20 believe your testimony was, that they had  
21 mentioned that they learned of other reports, but  
22 they didn't give you the details of the reports  
23 involving the plaintiff, David Young, that they  
24 didn't give you any details?

25 A. I believe they told me that it was

1 from his student file but no -- no details about  
2 it.

3 Q. They never showed you any physical  
4 documents?

5 A. No.

6 Q. Do you know whether at that time they  
7 had physical documents?

8 A. I have no idea.

9 MR. DOLAN: I'd like to have a  
10 moment.

11 (An off-the-record discussion was  
12 held.)

13 Q. One last line of questioning. At  
14 some point were you told that the plaintiff,  
15 David Young, had been arrested?

16 A. Yes.

17 Q. And do you remember approximately  
18 when that was? Toward the end of August of 2005?

19 A. Yes.

20 Q. Prior to -- and do you know how you  
21 learned that?

22 A. Angie Circo called me.

23 Q. Prior to Officer Circo calling you,  
24 had you spoken with anyone from the Douglas  
25 County Attorney's Office?

1 A. No.

2 Q. And prior to her calling to tell you  
3 that Mr. Young had been arrested, you hadn't  
4 spoken with anyone from the county attorney's  
5 office?

6 A. No.

7 MR. DOLAN: Ms. Johnson, I have no  
8 further questions. I appreciate your time.

9 MR. PHILLIPS: There may be  
10 follow-up questions.

11 REDIRECT EXAMINATION

12 BY MR. YOUNG:

13 Q. You may not have talked to the  
14 Douglas County Attorney's Office, but do you know  
15 if your lawyer did?

16 A. I'm not going to answer that.

17 Q. You're invoking the attorney-client  
18 privilege again? Yes?

19 A. Yes.

20 MR. YOUNG: All right. I have  
21 nothing further.

22 MR. PHILLIPS: Okay.

23 MR. THELEN: Nothing further.

24 MR. PHILLIPS: Jenna, one thing we  
25 didn't talk about that we should have, you have



1 the right to read and sign the transcript of this  
2 deposition when it's been prepared. If you say I  
3 talked to Smith and the reporter puts down I  
4 talked to Schmidt, you can make a note on a  
5 separate correction page that it should have been  
6 Smith. You have 30 days from the day the  
7 transcript is sent to you to finish that, to make  
8 your corrections on a separate page, sign it,  
9 have it notarized and return it to the reporter.  
10 You know your schedule better than I do.  
11 Typically witnesses waive, but you need to make  
12 the choice and tell the court reporter before we  
13 stop today.

14 THE WITNESS: Okay. Well, I'll  
15 probably just waive that then.

16 (The deposition was concluded at the  
17 hour of 11:42 a.m.)  
18  
19  
20  
21  
22  
23  
24  
25

- C E R T I F I C A T E -

STATE OF NEBRASKA     )  
                                      ) ss.  
COUNTY OF DOUGLAS     )

I, Alvin J. Thibault, CSR, and General  
Notary Public in and for the State of Nebraska, do  
hereby certify that JENNA JOHNSON was by me duly  
sworn to testify the truth, the whole truth and  
nothing but the truth, and that the deposition by  
her as above set forth was reduced to writing by  
me.

That the within and foregoing deposition  
was taken by me at the time and place herein  
specified and in accordance with the within  
stipulations, the reading and signing of the  
witness to her deposition having been waived.

That I am not counsel, attorney or  
relative of either party or otherwise interested in  
the event of this suit.

IN TESTIMONY WHEREOF, I have placed my  
hand and notarial seal this 19th day of May, 2009.

-----  
GENERAL NOTARY PUBLIC

COST: \$ \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DAVID J. YOUNG, )  
 ) Case No.  
Plaintiff, ) 8:07-CV-00265  
 )  
v. )  
 )  
STUART J. DORNAN, )  
individually and in his )  
official capacity; DOUGLAS )  
COUNTY, NEBRASKA, a )  
political subdivision of the )  
State of Nebraska, et al., ) CERTIFICATE OF  
 ) REPORTER  
Defendants. )

I, Alvin J. Thibault, RPR, CSR and General Notary Public, do hereby certify that I served as the Court Reporter at the deposition of JENNA JOHNSON on May 14, 2009 at Erickson Sederstrom, 10330 Regency Parkway Drive, Suite 100, Omaha, Nebraska in which the costs of reporting and transcribing the deposition were \$375.00, and that such costs are to be paid by counsel for the plaintiff.

I further certify that the original and copies were sent to: Original and 1 copy to Mr. Thomas J. Young; 1 copy to Mr. Alan M. Thelen; 1 copy to Mr. Douglas L. Phillips and 1 copy to Ms. Kristin M. Lynch.

Dated this 19th day of May, 2009.

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GENERAL NOTARY PUBLIC  
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